

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

OMICS GROUP INC., *et al.*,

Defendants.

Case No.: 2:16-cv-02022-GMN-VCF

ORDER

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Cam Ferenbach, (ECF No. 61), which states that Plaintiff Federal Trade Commission’s (“the FTC”) Motion to Strike Affirmative Defenses, (ECF No. 55), should be granted in part and denied in part.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003). Here, no objections were filed, and the deadline to do so has passed.

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 61), is
3 **ACCEPTED and ADOPTED in full.**

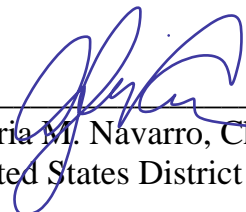
4 **IT IS FURTHER ORDERED** that the FTC's Motion to Strike, (ECF No. 55), is
5 **GRANTED** with respect to Defendants' Affirmative Defenses Nos. 7, 13, 15, 16, 18, 19, and
6 20.

7 **IT IS FURTHER ORDERED** that the FTC's Motion to Strike, (ECF No. 55), is
8 **GRANTED** with respect to the second sentence of Defendants' Affirmative Defense No. 12,
9 which states: "Moreover, any monetary relief awarded to the FTC should be reduced by what
10 the Defendants have paid in taxes and other costs."

11 **IT IS FURTHER ORDERED** that the FTC's Motion to Strike, (ECF No. 55), is
12 **GRANTED with leave to amend** with respect to Defendants' Affirmative Defenses Nos. 10
13 and 17.

14 **IT IS FURTHER ORDERED** that the FTC's Motion to Strike, (ECF No. 55), is
15 **DENIED** with respect to Defendants' Affirmative Defenses Nos. 1, 2, 3, 4, 5, 6, 8, 9, 11, and
16 the first sentence of 12.

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18 **DATED** this 3 day of January, 2018.

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21 _____
22 Gloria M. Navarro, Chief Judge
23 United States District Judge
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